

**REMARKS**

In accordance with the foregoing, the claims 1, 2, 4, 7-9, 11, and 12 are amended, and new claim 22 is presented. No new matter is presented in any of the foregoing and, accordingly, approval and entry of the amended claims and new claim are respectfully requested. Claim 10 is cancelled without prejudice or disclaimer.

Claims 1-9 and 11-22 are pending and under consideration.

**CLAIM AMENDMENTS**

Claims 1, 11, and 12 are amended to recite, respectively, an access restriction method, and a device control server, using claim 1 as an example, including "accepting registration of terminal information for associating a unique identifier established for said operating terminal with said operating terminal access right for accessing said one or more devices connected to the wired or the wireless home network." (See, for example, FIG. 1 and page 13, line 25 to page 4, line 5).

Claims 2, 4, and 7-9 are amended for form without narrowing the claims within the meaning of *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.*, 56 USPQ2d 1865 (Fed. Cir. 2000).

No new matter is presented in any of the foregoing and, accordingly, approval and entry of the amended claims are respectfully requested.

**ITEMS 2-3: REJECTION OF CLAIM 9 UNDER 35 U.S.C. §101**

The Examiner rejects claim 9 under 35 U.S.C. 101 contending that claim 9 "is not tangibly embodied as it is only software per se."

Claim 9 is amended herein to include the limitation of claim 10, cancelled herein, as suggested by the Examiner. Withdrawal of the rejection is requested.

**ITEM 5: REJECTION OF CLAIMS 1, 9, AND 11 UNDER 35 U.S.C. §102(b) AS BEING ANTICIPATED BY HOLMES (U.S.P. 5,875,395)****ITEMS 6-13: REJECTION OF CLAIMS 2-8 AND 12-21 UNDER 35 U.S.C. §103(a) AS BEING UNPATENTABLE OVER HOLMES IN VIEW OF COMBINATIONS OF BUFFAM (U.S.P. 6,185,36), SIZER, II ET AL. (U.S.P. 6,021,324), MUHONEN (U.S.P. 6,751,472), DUGAN (U.S.P. 6,779,030), AND YATSUKAWA (U.S.P. 6,148,404)**

The Examiner rejects claims 1, 9, and 11 under 35 U.S.C. §102(b) as being anticipated by Holmes, and rejects claims 2-8 and 12-21 under 35 U.S.C. §103(a) as being unpatentable over Holmes in view of combinations of Buffam, Sizer, II, Muonen, Dugan, and Yatsukawa.

As provided in MPEP §706.02 entitled Rejection on Prior Art, anticipation requires that the reference must teach every aspect of a claimed invention. Holmes does not support an anticipatory-type rejection by not teaching features recited in the present application's independent claims.

Further, as provided in MPEP §2143.03 "To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F. 2d 1981, (CCPA 1974)."

The rejections are traversed. Applicants submit that features recited by claims are not taught by the cited art, alone or in combination.

Independent claims 1 and 11, all amended, recite respectively, an access restriction method, and a device control server including "accepting registration of terminal information for associating a unique identifier established for said operating terminal with said operating terminal access right for accessing said one or more devices connected to the wired or the wireless home network; accepting instruction information including said operating terminal identifier and said instruction signals relating to operation of said one or more devices; determining said operating terminal access right based on said operating terminal identifier included in said instruction information; and controlling said one or more devices based on said operating terminal access right and said signal instructions relating to said one or more devices."

Independent claim 18 recites an operating terminal that in a device control system "interconnected over a wired or wireless home network with one or more devices within a home, sends instruction signals relating to operations of said one or more devices comprising: identifier storage means storing a unique identifier; . . ., and instruction information transmission means for wired or wireless transmission of instruction information generated by said instruction information generation means."

That is, according to an aspect of the present invention, a device connected to a network can be controlled by an authorized operating terminal located either in the house or outside the house.

The primary reference relied on by the examiner, i.e., Holmes does not teach any equipment accepting registration of terminal information for associating a unique identifier established for said operating terminal with said operating terminal access right for accessing said one or more devices connected to the wired or the wireless home network. Rather, Holmes merely teaches (see, for example, col. 3, lines 18-20):

(t)he application interface 22 is coupled to the radio transceiver 14 and the security module 16, and is connectable to one or more pieces of application equipment 26.

That is, Holmes merely teaches that application equipment is connected to an application interface and that examples of such application equipment include a garage door, home security system, lights, electric appliances as examples of application equipment.

Further, Holmes in an *arguendo* combination with any of the cited art does not teach

equipment connected to a wired or the wireless home network as recited in the independent claims.

### **Summary**

Since features recited by claims 1-9 and 11-21 are not taught by the cited art, alone or in combination and *prima facie* obviousness is not established, the rejection should be withdrawn and claims 1-9 and 11-21 allowed.

### **NEW CLAIM**

New claim 22 is presented to recite features of the present invention in a different fashion.

New claim 22 recites an access restriction method including "accepting registration of terminal information for associating a unique identifier established for said operating terminal with said operating terminal access right; . . . , said one or more devices being connected to said wired or wireless home network, said operating terminal directly controlling said one or more devices with signals transmitted from said terminal." (See, for example page 14, lines 12-23).

These, and other, features of claim 22 patentably distinguish over the cited art, and they are submitted to be allowable for the recitations therein.

### **CONCLUSION**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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